

## REMARKS/ARGUMENTS

This reply is responsive to the Office Action mailed on August 7, 2007. Reconsideration and allowance of the application and presently pending claims 4-13 are respectfully requested.

### Present Status of the Patent Application

Claims 4-13 remain pending in the present application. Claims 1-3 have been cancelled without prejudice. Claims 4-13 have been added.

### Telephone Interview

It is noted with appreciation the telephone interview which was conducted with Examiners Koenig and Parra on November 5, 2007, during which a proposed set of new claims, similar to the ones presented herewith, were discussed. Also discussed was the cited reference to Allport.

### Response to Claim Rejections Under 35 U.S.C. §102

Claims 1-3 have been rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Allport (U.S. Patent No. 6,567,984). This rejection is moot, since claims 1-3 have been cancelled without prejudice. However, Applicant will analyze claims 4-13 in view of the Allport patent.

For a proper rejection of a claim under 35 U.S.C. §102(e), the cited reference must disclose all elements/features/steps of the claim. See, e.g., *E.I. du Pont Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

The Allport patent discloses a hand-held, portable television remote control in the form of a tablet computer having an integrated video display capable of displaying full motion video programmed for use with specific television broadcasting equipment. The remote control is sized to fit in a shirt pocket and includes a display area

surrounded by up to twenty physical buttons and a central processing unit (CPU) to provide local processing.

*Independent Claim 4*

New independent claim 4 is allowable for the reasons that Allport does not disclose, teach, or suggest at least any of the following:

- 1) "the remote control unit being approximately the size and form factor of a laptop computer and comprising ... a keyboard having at least 26 keys",
- 2) "sending keyboard output signals from the keyboard to the host computer system via the transceiver unit",
- 3) "sending an image generating signal from the host computer system via the transceiver unit to the remote graphics display panel to display an image thereon in response to the keyboard output signals", and
- 4) "the host computer system processes the keyboard output signals for creating at least one of the video and image generating signals sent respectively to the main television display and to the remote graphics display panel of the remote control unit"

1) "the remote control unit being approximately the size and form factor of a laptop computer and comprising ... a keyboard having at least 26 keys"

Allport merely discloses a remote control that is "a hand-held size ..., such that it may be carried comfortably in one hand or in a shirt pocket." (col. 6, lines 6-9). Furthermore, the remote control of Allport does not have a keyboard and may merely have "up to twenty physical buttons, or less than twenty, and more preferably less than fifteen, and more preferably less than twelve, and still more preferably ten or less." (col.

6, lines 12-15) The remote control unit of the present invention is sized and equipped to allow the user to conveniently and easily perform their computing tasks, such as word processing and Internet searching. The remote control unit of Allport would be too small, without a keyboard, and with too few buttons to conveniently and easily perform such tasks. In this regard, unlike Allport, the keyboard of the present claimed invention has "at least 26 keys," which would enable it to function as a standard Qwerty keyboard. The Allport patent teaches away from 26 or more keys, which are required for a Qwerty keyboard.

2) "sending an image generating signal from the host computer system via the transceiver unit to the remote graphics display panel to display an image thereon in response to the keyboard output signals"

Allport teaches away from a keyboard, and its buttons send signals to the CPU within the Allport tablet computer. Allport does not send the button signals to the Allport base station, and does not send them via a wireless transceiver or any other way, since the button signals go directly from the buttons to the tablet computer CPU.

3) "sending an image generating signal from the host computer system via the transceiver unit to the remote graphics display panel to display an image thereon in response to the keyboard output signals"

Allport does not disclose a keyboard, nor a wireless transceiver unit, for outputting signals as claimed. Therefore, Allport cannot disclose sending a signal in response to the keyboard output signals. Also, Allport does not send image generating signals from a base signal in response to keyboard signals to display an image on the tablet computer display. Instead, Allport's tablet computer has a CPU that causes the tablet display to be energized.

4) "the host computer system processes the keyboard output signals for creating at least one of the video and image generating signals sent respectively to the main television display and to the remote graphics display panel of the remote control unit"

As previously stated the Allport remote control does not include a keyboard. Additionally, even the outputs from the buttons on the Allport tablet computer are processed locally by microprocessor 320 so that IR commands may be generated and provided to the appropriate device. In contrast the remote control unit of the present invention utilizes the host computer system for its processing.

In summary, Allport teaches the use of a tablet computer serving as a remote control for a television monitor. The Allport tablet computer is customized to function with a base station that controls the main television monitor. The tablet computer has an internal CPU that functions with the tablet computer display. It does not employ a keyboard such as a Qwerty keyboard, but instead teaches the use of 20 buttons or less, preferably 10 or less.

Thus, the Allport tablet computer can control a main television monitor, and can display television images on the tablet computer. But, Allport does not teach or even suggest a remote control unit that does not have a computer processing unit, and does not have a keyboard.

The inventive keyboard has at least 26 keys, and thus can be used as a standard Qwerty keyboard. The claimed invention specifies that the remote control unit includes a keyboard and graphics display panel configured in a laptop computer form factor. The remote control unit communicates via a wireless transceiver unit to a host computer. Also unlike Allport, the keyboard signals are sent via the transceiver unit to the host computer where they are processed. The host computer then controls a main television display and sends image generating signals to the remote control unit display for displaying images thereon.

Thus unlike Allport, the claimed invention employs an inexpensive remote control unit including a keyboard having at least 26 keys, to function as a standard laptop computer or PC. In this regard, the remote control unit, via the wireless transceiver, utilizes the host computer to do the processing, as well as home theater HTPC functions. Thus, the claimed remote control unit controls a main television display remotely via the wireless transceiver unit and the host computer, and can also serve as a full functional personal computer. The dual use of the host computer to provide the HTPC functions as well as the computer processing for the remote control unit, enables the user to have a system for providing a technique for controlling remotely a HTPC, and have a full functioning PC.

The claimed invention enables a user to control the television display remotely, and at the same time, perform internet enabled computer functions from the laptop form factor remote control unit. Such a novel arrangement is relatively inexpensive to manufacture, as the claimed remote control unit does not have a computer processor unit nor the customized buttons of Allport tablet computer. The claimed system and method are an open architecture, as the claimed remote control unit serves as a general purpose PC, and not as a special purposes computer such as the Allport system for remote television control.

Applicant's novel system and method are clearly not obvious in view of Allport, since the claimed invention can perform as a full function general purpose personal computer, and yet would be far less expensive to manufacture. If it were obvious, which the present invention is not, one skilled in the art would have clearly opted for the much less expensive alternative, to achieve the ability to have many more functions and capability as contemplated by the present invention.

*Independent Claim 9*

New independent claim 9 is allowable for the reasons discussed above regarding claim 4, since claim 9 has limitations similar to the ones discussed above regarding claim 1.

*Dependent Claims*

Dependent claims 5-8 and 10-13 are believed to be allowable for at least the reason that these claims depend from allowable independent claims 4 and 9, respectively. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

**CONCLUSION**

The other cited art of record has been reviewed, and it is believed that the claims, as amended, patentably distinguish thereover.

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and rejections have been traversed, rendered moot, and/or accommodated, and that now pending claims 4-13 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned at 619-209-3063.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

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